IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 3065 of 2007(M)

PETITIONER:

SIBY JOSEPH, AGED 45 YEARS,
S/O.JOSEPH, MANAGING PARTNER, ST.GEORGE
TRADING COMPANY, POTTUKULAM, KAKKAMTHUDU,
CHANGANASSERY TALUK, KOTTAYAM DISTRICT.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
KOTTAYAM.

2. THE DISTRICT SUPPLY OFFICER,
KOTTAYAM.

3. THE TALUK SUPPLY OFFICER,
CHANGANASSERY.

4. THE TALUK SUPPLY OFFICER,
KANJIRAPPALLY.

5. THE QUALITY CONTROLLER/
DISTRICT MANAGER, FOOD CORPORATION OF INDIA,
KOTTAYAM,.

6. M/S.JACOB THOMS ,KALLUKULAM REP.
BY ITS MANAGING PARTNER, ARD 12,MARKET
CHANGANASSERY.

BY STANDING COUNSEL ADVOCATE SMT.V.P.SEEMANTHINI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C)No.3065 Of 2007

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Dated this the 30th day of January, 2007.

J U D G M E N T

Petitioner moved this Court by filing W.P.(C) No.31565 of 2006 challenging seizure and detention of rice from his godown. The Government then took the stand that the rice is liable to be confiscated under the Essential Commodities Act. Being a perishable commodity, this Court directed disposal of the article without delay. It was also clarified that no authority should, in appeal or revision, order retention of rice for long periods and allow it to be perished. This Court had essentially left open all rights of the petitioner to move appeals and revisions as may be available to him under the statutory law. As of now, along with I.A.No.1442 of 2007 the petitioner has produced an order dated 19.01.07, which is alleged to have been served on the petitioner only yesterday. By that order, rice is to be sold. That again is an order against which appeal and revision would lie under the statute, subject to the judgment in W.P.(C) No.31505 of 2006. Under such circumstances, without entering on merits without prejudice to statutory remedy, if any, this writ petition is dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj